No. 83-851

IN THE

Supreme Court of the United States

OCTOBER TERM 1983

SOUTH STREET SEAPORT MUSEUM,
as Owner of the Bark PEKING,

Petitioner,

— v. —

CRAIG MCCARTHY,

Respondent,

— and —

THE STATE INSURANCE FUND and NORTHBROOK EXCESS AND SURPLUS INSURANCE COMPANY,

Respondents.

MOTION OF NATIONAL MARITIME HISTORICAL SOCIETY AND NATIONAL MARITIME MUSEUM ASSOCIATION FOR LEAVE TO FILE A BRIEF AMICI CURIAE IN SUPPORT OF THE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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I

MOTION OF NATIONAL MARITIME HISTORICAL SOCIETY AND NATIONAL MARITIME MUSEUM ASSOCIATION FOR LEAVE TO FILE A BRIEF AMICI CURIAE IN SUPPORT OF THE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Amici Curiae, National Maritime Historical Society and National Maritime Museum Association, hereby move pursuant to United State Supreme Court Rule 36.1 for leave to file a brief amici curiae in support of the Petition for Writ of Certiorari to the United States Court of Appeals for the Second Circuit which has been filed in this matter by Petitioner, South Street Seaport Museum. A copy of the proposed brief is attached hereto.

In support of their Motion, National Maritime Historical Society and National Maritime Museum Association represent as follows:

1. A Petition for Writ of Certiorari to the United States Court of Appeals for the Second Circuit (the "Petition") was docketed in this matter on November 21, 1983, by Petitioner, South Street Seaport Museum.

2. Amici Curiae, National Maritime Historical Society and National Maritime Museum Association, have a substantial interest in the Petition and request that this Court grant a Writ for the reasons set forth in the attached brief.

3. Respondent, Craig McCarthy, has refused consent for National Maritime Historical Society and National Maritime Museum Association to file a brief amici curiae in support of the Petition.

4. Where, as here, Respondent has refused consent, United States Supreme Court Rule 36.1 provides that a motion for leave to file a brief amici curiae supporting a Petition for Writ of Certiorari may be filed on or before the date that Respondent's brief in opposition to the Petition must be filed.

5. Respondent, Craig McCarthy's, brief in opposition to the Petition must be filed within thirty (30) days of receipt of the Petition. United States Supreme Court Rule 22.1.

6. The attorney for Respondent, Craig McCarthy, received the Petition on November 28, 1983, as per the letter attached as Exhibit "A" hereto, so Respondent's brief in opposition to the Petition must be filed within thirty (30) days thereof, by December 28, 1983.

7. This motion is timely because it was filed on or before December 28, 1983.

WHEREFORE, National Maritime Historical Society and National Maritime Museum Association request the Court to grant their motion for leave to file the attached Brief Amici Curiae in support of the Petition.

Respectfully submitted,

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December 19, 1983

Federal Express

Wayne W. Soujanen, Esquire
Pepper, Hamilton & Schneetz
123 South Broad Street
Philadelphia, Pennsylvania 19109

Re: South Street Seaport v. McCarthy

Dear Wayne:

You have inquired as to when the Seaport's petition for certiorari was received in this office.

It is my best recollection that it was actually received on Monday, November 28, which is not unusual in view of the New England observance of Thanksgiving.

As I advised you by telephone, I do not assent to your filing as amicus curiae a brief supporting the Seaport's petition, but I see no practical way to object and in any event have too much respect for your firm to make a big deal out of it.

Yours very truly,

Richard L. Dahlen

RLD:la

cc: Francis X. Byrn, Esquire
Raymond C. Green, Esquire

REC'D DEC 20 1983

EXHIBIT "A"

IN THE

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OCTOBER TERM 1983

SOUTH STREET SEAPORT MUSEUM,
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BRIEF AMICI CURIAE OF NATIONAL MARITIME HISTORICAL SOCIETY AND NATIONAL MARITIME MUSEUM ASSOCIATION IN SUPPORT OF THE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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INTEREST OF AMICI CURIAE

Amici Curiae, National Maritime Historical Society and National Maritime Museum Association are directly interested in historic ship preservation and submit this Brief Amici Curiae pursuant to United States Supreme Court Rule 36.1 in support of the Petition for Writ of Certiorari to the United States Court of Appeals for the Second Circuit ("Petition") which was filed in this matter by Petitioner, South Street Seaport Museum. Pursuant to United States Supreme Court Rule 36.5, this brief amici curiae sets forth the interest of the amici curiae, the reasons relied on by amici curiae for granting the writ of certiorari, and the conclusion.

I. NATIONAL MARITIME HISTORICAL SOCIETY'S INTEREST

National Maritime Historical Society ("Society") is a 7,500 member nonprofit District of Columbia corporation established in 1963 to support and facilitate the capability of museums, including Petitioner, South Street Seaport Museum, to acquire, restore, preserve and display historic ships. The Society is the largest maritime historical organization in America. The Society helped raise and administer the funds for the purchase of the Wavertree and the Ernestina and for the restoration of the Wavertree. The Wavertree is permanently berthed at the South Street Seaport Museum, and, after restoration, the Ernestina will be permanently berthed at the New Bedford, Massachusetts, maritime museum.

The Society has acquired title in its own name to certain historically important ships, including the last American-registered square-rigged ship in active service, the hulk Kaiulani, and the Vicar of Bray. The Kaiulani was dismantled by scavengers in the Philippines before the Society could obtain the funds to bring her to the United States for restoration. The Vicar of Bray risks the same fate in the Falkland Islands while the Society acquires funds to bring her to the United States for restoration.

To raise money for and publicize the cause of historic ship preservation, the Society publishes "Sea History," a journal of maritime history with a circulation of approximately 25,000, two-thirds of which is paid subscriptions.

The Society also acts as a public spokesman for historic ship preservation in its capacity as the official United States representative to the World Ship Trust, a British-based association of maritime ship historians from Great Britian, the United States, West Germany, France and the Netherlands.

II. NATIONAL MARITIME MUSEUM ASSOCIATION'S INTEREST

National Maritime Museum Association ("Association") is a California nonprofit corporation established in 1951, in part to purchase and restore historic ships for permanent display in San Francisco. Five historic ships are permanently berthed in San Francisco: C.A. Thayer, Wapama, Eureka, Hercules, and Balclutha. Title to these five permanently-berthed museum ships is held by the National Park Service, which operates the National Maritime Museum in San Francisco. The Association also holds title to and raised funds for restoring the U.S.S. Pampanito which will be permanently berthed in San Francisco.

The Association's acquisition and restoration of the Balclutha was one of the first major nonmilitary ship restoration projects in America, and was the genesis of the large public interest in historic ship preservation. The Association purchased the Balclutha in the early 1950's for $25,000.[1] She was restored during 1954 and 1955 through the combined efforts of trade unions, business and the public in the San Francisco Bay area. Trade union members contributed 150,000 hours of labor at no charge; business contributed over $100,000 in goods and services; public volunteers added another 50,000 hours of work; and the Balclutha was permanently berthed and opened to the public in late 1955.

1. Title to the Balclutha was recently transferred to the National Park Service.

III. THE DECISION BELOW WILL ADVERSELY AFFECT HISTORIC SHIP PRESERVATION EFFORTS

The question presented here is whether a structure such as the Peking, that is not used and is not intended ever to be used for transport on navigable waters, is a "vessel" within the meaning of Section 905(b) of the Longshoremen's and Harbor Workers' Compensation Act ("Longshoremen's Act" or "Act"), 33 U.S.C. §905(b). If it is, an injured employee can circumvent the exclusive compensation remedy provision in Section 905(a) of the Act, 33 U.S.C. §905(a), and sue the "vessel" owner for negligence, even if the owner is his employer.[2] The court below held that something is a "vessel" under the Act if it has the "residual capacity" for use as a means of transport on water, regardless of its actual use or whether there is even a remote possibility that it would ever be used in such residual capacity. *McCarthy v. The Bark Peking*, 716 F.2d 130, 135 (2d Cir. 1983). If this residual capacity test is not reversed, it will significantly increase the cost of, and therefore adversely affect, historic ship preservation efforts in the United States.

The watchword of historic ship preservation is "cost." To reduce costs, most museum ships, like the Peking, are permanently berthed rather than maintained in running condition. Some fifty-nine museum ships, including the Peking, are now permanently berthed and open to the public at some 113 American maritime museums.[3] Because they are permanently

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2. This question of what constitutes a "vessel" was left open by *Jones & Laughlin Steel Corp. v. Pfeifer*, ___U.S. ___, 103 S. Ct. 2541 (1983). That decision upheld the right of an injured employee to circumvent Section 905(a)'s exclusive remedy provision and sue a "vessel" owner under Section 905(b) of the Act for negligence, even though the "vessel" owner was also the employer of the injured employee. There the "vessel" was a barge which the employer owned and which, unlike the Peking, was regularly used for transport on navigable waters.

3. A list of these fifty-nine permanently-berthed museum ships and their locations is contained in Appendix A hereto.

berthed and not intended for transport on navigable waters, the costs of maintaining them in a seaworthy condition are avoided. No crew is needed. Constant maintenance of the steering, propulsion and other operating systems is unnecessary. Permanently-berthed museum ships are typically secured to land with chains or steel cable rather than ropes which require much more maintenance. They usually have permanent connections to shoreside utilities and are often grossly overballasted to prevent rolling.[4] Most of them are not inspected by the Coast Guard. In short, a permanently-berthed museum ship is maintained as a museum exhibit; it is not a seagoing vessel and its "residual capacity" to be a vessel is theoretical at best.

Nevertheless, like the Peking, most of the permanently-berthed museum ships are afloat and therefore may have the "residual capacity" to be used as a means of transport on water. By virtue of the decision below, they could then be held to be "vessels" under Section 905(b), thereby permitting injured museum employees to pierce the exclusive remedy provision in Section 905(a) of the Act. The Society, the Association and other permanently-berthed museum ships owners could be liable as "vessel" owners. Moreover, unlike Longshoremen's Act compensation benefits, there is no dollar limit on Section 905(b) awards against vessel owners, so such suits could impose intolerably large costs on maritime museums and other historical ship owners. The cost of restoring and preserving historic ships is so large and the available funds so small that historical ship preservation is already an endangered species. By raising considerably the cost of restoring and preserving historic ships, the decision below threatens total extinction of

4. The Peking, for example, contains two million pounds of permanent concrete ballast.

historic ship preservation efforts in the United States.[5] Accordingly, Amici Curiae, National Maritime Historical Society and National Maritime Museum Association urge the Court to grant a Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

REASONS RELIED ON FOR GRANTING THE WRIT

I. THE WRIT SHOULD BE GRANTED BECAUSE THE DECISION BELOW CONFLICTS WITH DECISIONS OF OTHER FEDERAL COURTS

The residual capacity test adopted by the Court below squarely conflicts with the test adopted by four other federal courts. Each of those other courts has held that a "vessel" under the Act is something which not only has the residual capacity to be used for transport on navigable waters, but is actually so used or is intended for such use. *Griffith v. Wheeling Pittsburgh Steel Corp.*, 521 F.2d 31, 41 (3d Cir. 1975), *cert. denied*, 423 U.S. 1054 (1976); *Fleming v. Port Allen Marine Service, Inc.*, 552 F.Supp. 27, 29 (M.D. La. 1982); *Mayfield v. Wall Shipyard, Inc.*, 510 F.Supp. 605, 607 (E.D. La. 1981); *Wendt v. General Dynamics Corp.*, ___ F.Supp. ___, 1979 A.M.C. 2897, 2902 (D.N.J. 1978). Apart from the court below, few other courts have held that the mere capacity for such use is sufficient to make something a Section 905(b) "vessel." *See Duncan v. Dravo Corp.*, 426 F.Supp. 1048 (W.D. Pa. 1977). The Writ should be granted to resolve these conflicting decisions.

In *Griffith v. Wheeling-Pittsburgh Steel Corp.* the Third Circuit ruled that an employee could sue the owner pro hac vice

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5. The decision below also poses a significant threat to the beleaguered American shipbuilding industry. Under the "residual capacity" test every new floating hull, whether it is 5% complete or 50% complete, could be a "vessel" for Section 905(b) purposes, and every American shipbuilder could be liable in negligence to its injured employees as a "vessel" owner pro hac vice. *See Griffith v. Wheeling Pittsburgh Steel Corp.*, 521 F.2d 31 (3d Cir. 1975), *cert. denied*, 423 U.S. 1054 (1976) (allowing §905(b) suit against employer as vessel owner pro hac vice).

of a barge. In so ruling, the court held that the definition of "vessel" under the Jones Act, 46 U.S.C. §688, was also the definition of a vessel under Section 905(b). 521 F.2d at 41. *See Wendt v. General Dynamics Corp.*, 1979 A.M.C. at 2900. The Jones Act requires a "vessel" to be in or intended for navigation, not just be capable of navigation. *See* 46 U.S.C. §713; *Hicks v. Ocean Drilling & Exploration Co.*, 512 F.2d 817, 823 (5th Cir. 1975), *cert. denied*, 423 U.S. 1050 (1976). Accordingly, *Griffith's* holding squarely conflicts with the test adopted by the court below.

In *Mayfield v. Wall Shipyard, Inc.* the court held that a shipyard's steel pontoon float, which had never traveled outside of the shipyard and was never moved with people on it, was not a Section 905(b) "vessel." Far from the "residual capacity" test used below, the court ruled that *"the two most important factors in determining whether a structure is a [Section 905(b)] vessel are the purpose for which the craft is constructed and the business in which it is engaged."* 510 F. Supp. at 607 (emphasis added).

Wendt v. General Dynamics Corp. involved the question of whether a navigation buoy hull was a Section 905(b) vessel so that the owner, when sued, was prohibited from seeking indemnification from the plaintiff's employer. The *Wendt* court held that it was a vessel, noting that it was intended to carry some people and that while it was at sea for periods up to four years' duration, it was boarded by the Coast Guard for inspection and maintenance purposes, thereby exposing Coast Guard personnel to "the risks and hazards of sea." 1979 A.M.C. at 2902. As the court explained, *"the crucial distinction in determining whether or not an object is a vessel is whether it is intended to, and does in fact, carry people upon it in the normal course of events."* 1979 A.M.C. at 2902 (emphasis added).

Similarly, in *Fleming v. Port Allen Marine Service, Inc.*, the court held that a work flat which was used solely to provide an auxiliary work surface for use in the employer's ship repair activities and never left the shipyard was not a Section 905(b)

vessel because it was not designed to serve in navigation even though it had the capability to do so. 552 F.Supp. at 29 *(citing Cook v. Belden Concrete Products, Inc.*, 472 F.2d 999 (5th cir.), *cert. denied*, 414 U.S. 868 (1973) (a structure is not a vessel for Jones Act purposes unless it is actually engaged in navigation)).

Because the decision below conflicts with the decisions of at least four other federal courts, a Writ of Certiorari should be granted to resolve the conflict.

II. THE WRIT SHOULD BE GRANTED BECAUSE THE DECISION BELOW CONTRAVENES THE PURPOSE OF THE LONGSHOREMEN'S ACT GENERALLY AND OF SECTION 905(b) PARTICULARLY

A. The Decision Below Contravenes the Purpose of the Longshoremen's Act

This case arises under Section 905(b) of the Longshoremen's and Harbor Workers' Compensation Act. Whatever else that Act may be, it is first and foremost a workers' compensation statute. At its heart lies a compromise between employees and employers which both ultimately supported after several years of hard Congressional bargaining.[6] The compromise pro-

6. Representative Graham, who was chairman of the House Judiciary Committee which held extensive hearings on the bill, noted that "this legislation has been before the House, through its committees, for several years. It has been considered thoroughly and in every particular. We have had the benefit of expert advice and have examined all the laws existing in other states on this subject." 68 Cong. Rec. H5410 (March 2, 1927). Although not entirely satisfactory to employers or employees, both ultimately supported the Act and urged Congress to adopt it:

> I wish to say finally to the House that this bill which is now presented, while it is not entirely satisfactory to each side, both sides have united in asking to have it passed. The representatives of the longshoremen and representatives of the employers have both united to ask for the adoption of this measure. Of course, when you are legislating and there are conflicting interests you can not expect to satisfy both of them, but this bill does measurably satisfy both sides, and they ask you to pass it as it is.

Id. at H5414 (remarks of Rep. Graham).

vides that longshore employers will promptly provide medical care and disability payments to injured employees without a showing of fault, but that such care and payments will be the employees' exclusive remedy against their employers. These terms of the compromise are clear from the earliest Report on the Act:

> The Senate bill as reported by the committee will provide the benefits of workmen's compensation to practically all maritime workers within the admiralty jurisdiction. Workmen's compensation has come to be universally recognized as a necessity in the interest of social justice between employer and employee. It is the modern substitute for the old common-law remedy afforded through actions at law for damages, and promptly affords relief to the injured employee by furnishing medical attendance and supplies immediately upon the occurrence of the injury or as soon thereafter as possible and compensation during the period of his illness or inability to pursue his usual employment, and in case of death, financial assistance to his dependents, without the delay and expense which an action at law entails.

H. R. Rep. No. 1767, 69th Cong., 2d Sess. 19-20 (January 14, 1927). The exclusive remedy was provided in Section 5 of the Act, P.L. 69-803, c. 509, §5 (March 4, 1927), and is unchanged in pertinent part:

> The liability of an employer prescribed in section 904 of this title shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, . . .

33 U.S.C. §905(a).[7] The exclusive remedy is absolute. It "completely obliterates the rights at common, civil or maritime law

7. Medical care is provided by Section 907 of the Act, 33 U.S.C. §907, and disability compensation by Section 908, 33 U.S.C. §908.

against Employer and fellow employee. Congress in its unlimited power has determined that the relationship gives rise only to compensation liabilities. The nature of the obligation is that there is no — the word is *no* — obligation." *Nations v. Morris*, 483 F.2d 577, 587-88 (5th Cir.), *cert. denied*, 414 U.S. 1071 (1973) (footnote omitted and emphasis in original).

Because the prompt payment/exclusive remedy compromise lies at the heart of the Longshoremen's Act, fidelity to Congress' purpose demands that any exception to the exclusive remedy provision be narrowly construed. *See Dickerson v. New Banner Institute, Inc.*, ___U.S. ___, 103 S. Ct. 986, 994 (1983) (the words of a statute are to be interpreted in light of the purposes Congress sought to serve). Such fidelity is especially appropriate where, as here, the statute is a compromise one that was ultimately supported by "both friend and foe of the legislation at the time of its adoption." *See First National Bank v. Walker Bank & Trust Co.*, 385 U.S. 252, 261 (1966). The commentators also caution that the meaning of "vessel" must be measured against a particular statute's purpose and that a structure may not be a "vessel" for purposes of every admiralty statute.[8] The "residual capacity" test adopted by the court below flies in the face of these accepted rules of statutory construction and violates the Congressional compromise which lies at the Act's heart. Its broad and unwarranted definition of "vessel" enables employees to circumvent the Act's exclusive remedy provision and creates a cause of action where none was intended. Therefore, a Writ should be granted.

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8. "The word 'vessel' has a variable meaning in law applicable to the particular statute to which the legislature applied it." 1 Norris, The Law of Maritime Personal Injuries §12 at 23 (3d ed. 1975) (footnote omitted). "Like 'seaman,' the word 'vessel' is a flexible one used in conjunction with the legislative intent of the particular statute involved." *Id.* n.56. *Accord* 1 Benedict on Admiralty §161 at 10-2 (7th ed. 1983) ("It may happen that a structure may be a vessel or other appropriate maritime object for the purpose of the application of one rule of admiralty law and not for another; . . .").

B. The Decision Below Contravenes Section 905(b)'s Purpose

Section 905(b) permits an injured employee covered by the Act to sue a "vessel" owner for negligence. In *Jones & Laughlin Steel Corp. v. Pfeifer*, this Court held that Section 905(b) allows an injured employee to bring a separate negligence action against his employer in the employer's capacity as vessel owner. There, of course, the "vessel" was really a vessel — a coal barge. In reaching its holding in *Jones & Laughlin* the Court looked to "the history of the Act." 103 S. Ct. at 2547. That history was that a longshoreman employed directly by the vessel could sue the vessel for unseaworthiness. *See Reed v. The Yaka*, 373 U.S. 410 (1963). Although the 1972 amendments changed an unseaworthiness cause of action to a negligence claim, this Court held in *Jones & Laughlin* that "Congress clearly intended *to preserve* the rights of longshoremen employed by the vessel" to maintain an action against their employer as vessel owner. 103 S. Ct. at 2547 (emphasis added). Accordingly, to determine what constitutes a "vessel" under Section 905(b), one must look to history to see what a longshoreman's rights were under the unseaworthiness doctrine.

The sea presents unique hazards and perils to a ship in navigation which are not presented to a building on land, and persons aboard a ship must maintain a consistently higher degree of readiness in order to resist those perils than must persons in a building. In response to those unique perils, admiralty has historically recognized that a vessel owes to its crew a warranty of seaworthiness. *See generally* Gilmore & Black, The Law of Admiralty 383-404 (2d ed. 1975). *Seas Shipping Co. v. Sieracki*, 328 U.S. 85 (1946), extended this warranty of seaworthiness to longshoremen injured on a ship in navigation on the rationale that they were doing seamen's work and, like seamen, were exposed to the hazards of the sea. 328 U.S. at 93-94. For the same reasons, longshoremen were subsequently allowed to sue the vessel owner for breach of the seaworthiness warranty, even though the vessel owner was also their em-

ployer. *Reed v. The Yaka*, 373 U.S. at 415 (referring to the "traditional, absolute, and nondelegable obligation of seaworthiness"); *Jackson v. Lykes Bros. Steamship Co.*, 386 U.S. 731 (1967).

But where a vessel was withdrawn from navigation and no longer intended to subject those aboard to the perils of the sea, it was held not to warrant its seaworthiness, and an injured longshoreman did not have an unseaworthiness action against the vessel's owner. *Roper v. United States*, 368 U.S. 20 (1961); *West v. United States*, 361 U.S. 118 (1959). For the same reasons, an employee's *Reed v. The Yaka* unseaworthiness action against his employer was held not to lie where the employer's vessel was not in navigation. *E.g., Jefferson v. S.S. Bonny Tide*, 281 F.Supp. 884 (E.D. La. 1968) (new vessel under construction). Thus, prior to the 1972 amendments, an injured employee could sue his employer as vessel owner for unseaworthiness, and that claim inherently required that the vessel be used or be intended for use in navigation.

As this Court held in *Jones & Laughlin*, the 1972 amendments preserved the longshoreman's preexisting right to sue a vessel but changed the theory from unseaworthiness to negligence. Accordingly, where, as in *Jones & Laughlin*, the employee was injured while aboard a craft actually used for transport on navigable waters or intended to be so used, the employee can make a claim against the vessel owner. But here the Peking is not actually used or intended ever to be used for transport on navigable waters. In such circumstances the employee would not historically have had an unseaworthiness claim, and there therefore was nothing for the 1972 amendments to preserve. To nevertheless grant the employee a cause of action against his employer is inconsistent with Section 905(b)'s history. It also is contrary to the Act's prompt payment/exclusive remedy compromise because it interprets Section 905(b) to create a cause of action where none existed before. In short, although a historic ship such as the Peking has masts and sails and lines and anchors, the mere presence of these parapher-

nalia do not pose unique perils to employees. The unique perils which gave rise to the unseaworthiness claim arise only when the craft is intended to be used or is actually used for transport on navigable waters. That is the test of what is a vessel under Section 905(b), and the lower court ignored history, Congress' intent and common sense in adopting the "residual capacity" test.

CONCLUSION

For the foregoing reasons, this Court should grant a Writ of Certiorari to the United States Court of Appeals for the Second Circuit and reverse the decision in *McCarthy v. The Bark Peking*, 716 F.2d 130 (2d Cir. 1983).

Respectfully submitted,

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APPENDIX A: PERMANENTLY-BERTHED MUSEUM SHIPS IN THE UNITED STATES

San Francisco, California

C. A. Thayer
Wapama, steam schooner
Eureka, ferry boat
Hercules, tug
U.S.S. Pampanito, submarine
Balclutha

South Street Seaport Museum
New York, New York

Peking
Wavertree
Lettie G. Howard, fishing schooner
Ambrose, light ship

Mystic Seaport
Mystic, Connecticut

L. A. Dunton, Grand Banks fishing schooner
Charles W. Morgan, whaler
Joseph Conrad, sail training ship

Northwest Seaport
Seattle, Washington

Wawona (awaiting restoration)
San Mateo, ferry boat
Relief, light ship

San Diego, California

Star of India, clipper
Berkeley, ferry boat

Baltimore, Maryland

U.S.S. CONSTELLATION, frigate
FIVE FATHOM, light ship
U.S.S. TORSK, submarine

Philadelphia, Pennsylvania

U.S.S. OLYMPIA, battleship
U.S.S. BECUNA, submarine

Cleveland, Ohio

U.S.S. COD, submarine

Honolulu, Hawaii

FALLS OF CLYDE

Galveston, Texas

ELISSA
U.S.S. CAVALLA, submarine
U.S.S. STEWARD, destroyer

Menominee, Michigan

ALVIN CLARK

Sault Ste. Marie, Michigan

VALLEY CAMP, lake freighter

Fall River, Massachusetts

U.S.S. MASSACHUSETTS, battleship
U.S.S. JOSEPH KENNEDY, destroyer
U.S.S. LIONFISH, submarine

Buffalo, New York

U.S.S. LITTLE ROCK, light cruiser
U.S.S. THE SULLIVANS, destroyer

Wilmington, North Carolina

U.S.S. NORTH CAROLINA, battleship

Mobile, Alabama

U.S.S. ALABAMA, battleship
U.S.S. DRUM, submarine

Charleston, South Carolina

U.S.S. YORKTOWN, aircraft carrier

San Jacinto, Texas

U.S.S. TEXAS, battleship

Douglas, Michigan

KEEWATIN

Superior, Wisconsin

METEOR, whaleback lake boat

Astoria, Oregon

COLUMBIA, light ship

Groton, Connecticut

U.S.S. CROAKER, submarine

Marietta, Ohio

W. P. SNYDER, stern-wheeler

Shelburne, Vermont

TICONDEROGA, side-wheel steamer

Portsmouth, Virginia

PORTSMOUTH, light ship

Booth Bay Harbor, Maine

SHERMAN ZWICKER, fishing schooner

Lewes, Delaware

OVERFALLS, light ship

Chicago, Illinois

U-505, submarine (displayed on land)
U.S.S. SILVERSIDE, submarine

Piney Point, Maryland (maintained by the Seafarers International Union)

DOROTHY PARSONS, two-masted oystering craft
RELIEF, light ship

St. Michaels, Maryland

EDNA E. LOCKWOOD, two-masted oystering craft

Nantucket, Massachusetts

NANTUCKET, light ship

New Bedford, Massachusetts

RELIEF, light ship

Hackensack, New Jersey

U.S.S. LING, submarine

Muskogee, Oklahoma

U.S.S. BATFISH, submarine

Manitowoc, Wisconsin

U.S.S. COBIA, submarine